



Senate

General Assembly

January Session, 2015

File No. 275

Senate Bill No. 1038

Senate, March 26, 2015

The Committee on Labor and Public Employees reported through SEN. GOMES of the 23rd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT ALLOWING FOURTEEN-YEAR-OLDS TO BE EMPLOYED AS REFEREES, UMPIRES AND OFFICIALS OF YOUTH ATHLETIC PROGRAMS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-23 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) No minor under sixteen years of age shall be employed or
4 permitted to work in any manufacturing, mechanical, mercantile or
5 theatrical industry, restaurant or public dining room, or in any
6 bowling alley, shoe-shining establishment or barber shop, provided
7 the Labor Commissioner may authorize such employment of any
8 minor between the ages of fourteen and sixteen who is enrolled in (1) a
9 public school in a work-study program as defined and approved by
10 the Commissioner of Education and the Labor Commissioner or in a
11 program established pursuant to section 10-20a, or (2) a summer work-
12 recreation program sponsored by a town, city or borough or by a
13 human resources development agency which has been approved by

14 the Labor Commissioner, or both, and provided the prohibitions of
15 this section shall not apply to any minor over the age of fourteen who
16 is under vocational probation pursuant to an order of the Superior
17 Court as provided in section 46b-140 or to any minor over the age of
18 fourteen who has been placed on vocational parole by the
19 Commissioner of Children and Families.

20 (b) (1) Notwithstanding the provisions of subsection (a) of this
21 section, a minor who has reached the age of fourteen may be employed
22 or permitted to work as a caddie or in a pro shop at any municipal or
23 private golf course [, and a] or as a youth athletic program referee,
24 umpire or official, provided such minor is certified as a referee, umpire
25 or official by a national certification program, such minor is a referee,
26 umpire or official for an age bracket younger than such minor's own
27 age and the minor works with a person who is eighteen years of age or
28 older. A minor who has reached the age of fifteen may be employed or
29 permitted to work in any mercantile establishment, as a bagger, cashier
30 or stock clerk, [, provided such employment is] Employment for any
31 minor fourteen or fifteen years of age shall be (A) limited to periods of
32 school vacation during which school is not in session for five
33 consecutive days or more except that such minor employed in a retail
34 food store may work on any Saturday during the year; (B) for not more
35 than forty hours in any week; (C) for not more than eight hours in any
36 day; and (D) between the hours of seven o'clock in the morning and
37 seven o'clock in the evening, except that from July first to the first
38 Monday in September in any year, any such minor may be employed
39 until nine o'clock in the evening. (2) (A) Each person who employs a
40 fourteen-year-old minor as a caddie or in a pro shop at any municipal
41 or private golf course or as a youth athletic program referee, umpire or
42 official pursuant to this section shall obtain a certificate stating that
43 such minor is fourteen years of age or older, as provided in section 10-
44 193, and (B) each person who employs a fifteen-year-old minor in any
45 mercantile establishment pursuant to this subsection shall obtain a
46 certificate stating that such minor is fifteen years of age or older, as
47 provided in section 10-193. Such certificate shall be kept on file at the
48 place of employment and shall be available at all times during business

49 hours to the inspectors of the Labor Department. (3) The Labor
50 Commissioner may adopt regulations, in accordance with the
51 provisions of chapter 54, as the commissioner deems necessary to
52 implement the provisions of this subsection.

53 (c) No minor under the age of eighteen years shall be employed or
54 permitted to work in any occupation which has been or shall be
55 pronounced hazardous to health by the Department of Public Health
56 or pronounced hazardous in other respects by the Labor Department.
57 This section shall not apply to (1) the employment or enrollment of
58 minors sixteen years of age and over as apprentices in bona fide
59 apprenticeship courses in manufacturing or mechanical
60 establishments, technical high schools or public schools, (2) the
61 employment of such minors who have graduated from a public or
62 private secondary or technical high school in any manufacturing or
63 mechanical establishment, (3) the employment of such minors who are
64 participating in a manufacturing or mechanical internship in any
65 manufacturing or mechanical establishment, or (4) the enrollment of
66 such minors in a cooperative work-study program approved by the
67 Commissioner of Education and the Labor Commissioner or in a
68 program established pursuant to section 10-20a. No provision of this
69 section shall apply to agricultural employment, domestic service, street
70 trades or the distribution of newspapers. For purposes of this
71 subsection, (A) "internship" means supervised practical training of a
72 high school student or recent high school graduate that is comprised of
73 curriculum and workplace standards approved by the Department of
74 Education and the Labor Department, and (B) "cooperative work-study
75 program" means a program of vocational education, approved by the
76 Commissioner of Education and the Labor Commissioner, for persons
77 who, through a cooperative arrangement between the school and
78 employers, receive instruction, including required academic courses
79 and related vocational instruction by alternation of study in school
80 with a job in any occupational field, provided these two experiences
81 are planned and supervised by the school and employers so that each
82 contributes to the student's education and to his employability. Work
83 periods and school attendance may be on alternate half days, full days,

84 weeks or other periods of time in fulfilling the cooperative work-study
85 program.

86 (d) Each person who employs a minor under the age of eighteen
87 years shall obtain a certificate stating the age of such minor as
88 provided in section 10-193. Such certificates shall be kept on file at the
89 place of employment and shall be available at all times during business
90 hours to the inspectors of the Labor Department.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | October 1, 2015 | 31-23 |

LAB *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which allows fourteen-year-olds to be employed under certain limited circumstances, does not result in any fiscal impact to the state or municipalities.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**SB 1038*****AN ACT ALLOWING FOURTEEN-YEAR-OLDS TO BE EMPLOYED AS REFEREES, UMPIRES AND OFFICIALS OF YOUTH ATHLETIC PROGRAMS.*****SUMMARY:**

This bill allows 14 and 15 year olds to be employed as youth athletic program referees, umpires, or officials if they are (1) certified by a national certification program; (2) refereeing, umpiring, or officiating for a younger age bracket; and (3) working with someone who is at least age 18. Under the bill, they can only work as referees, umpires, or officials (1) during school vacations that are at least five days long, (2) between 7 a.m. and 7 p.m., (3) for eight hours or less a day, and (4) for 40 hours or less a week. (The law imposes the same restrictions on 14 and 15 year olds who are allowed to work in other occupations.)

Under the bill, anyone employing a 14 or 15 year-old referee, umpire, or official must obtain a certificate from the minor's school district showing that he or she is at least age 14. The certificate must be kept on file at the place of employment and be available for the labor department to inspect during business hours. (The law requires district superintendents to provide age certificates for minors who are allowed to work in other occupations, but the bill does not specifically require the superintendents to provide the certificates for the 14 and 15 year-old referees, umpires, or officials.)

The federal Fair Labor Standards Act (FLSA) generally prohibits employing minors under age 16 unless it is for an occupation specifically exempted in statute or regulation. Since 14 and 15 year-old referees, umpires, or officials are not specifically exempted under federal law, employing them may violate the FLSA.

EFFECTIVE DATE: October 1, 2015

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 9 Nay 0 (03/12/2015)